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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,185	02/19/2004	David M. Haugen	WEAT/0054.C1	4514

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EXAMINER

GAY, JENNIFER HAWKINS

ART UNIT PAPER NUMBER

3672

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,185

Applicant(s)

HAUGEN ET AL. *ST*

Examiner

Jennifer H Gay

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3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-26, 28-31 and 33-40 is/are rejected.
- 7) ☒ Claim(s) 27 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 21 is objected to because of the following informalities: in line 4 of the claim, "members" should be changed to --member--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-26, 28-31, and 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable Cumming et al. (US 6,070,671) in view of Simpson (US 6,457,532).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 21: Cumming et al. discloses a method for expanding a liner extending into a lateral wellbore through a window in casing disposed in a wellbore. The method involves the following steps:

- Providing an expander 22.
- Expanding the liner 21 at least across a portion of the liner proximate the window 20 with the expander (Figures 3 and 4).

Cumming et al. discloses all of the limitations of the above claims except for the expander having at least one radially extendable expander member disposed about a body where each member has a retracted and an extended position and each member has a piston surface for moving the member to the extended position with pressurized fluid

where the members are biased to permit radially inward movement due to inwardly directed forces from the surfaces surrounding the liner.

Simpson discloses a method for expanding a liner that is similar to that of Cumming et al. Simpson further teaches an expander that includes the following features:

- At least one radially extendable expander member 116 disposed about a body 102 where each member has a retracted and an extended position in which the members are biased to permit radially inward movement due to inwardly directed forces from surfaces surrounding the liner.
- A piston surface 120 located on each of the members so that the members may be moved to the extended position by pressurized fluid (6:61-67).

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the method of Cumming et al. to use the expander of Simpson in order to have been able to control or vary the post-deformation diameter after the start of expansion (1:40-43). Such a system and method would have reduced the difficulty in expanding tubulars in non-vertical or deviated wellbores that arises from the pulling force or pressures required to operate other expanders.

Regarding claims 22, 32, 37: The method further involves the step of removing at least a portion of the liner extending into the wellbore from the window (4:28-31).

Regarding claims 23-25, 33-35, 38-40: The method further involves the steps of expanding a portion of the liner disposed in the wellbore and a portion of the liner disposed in the lateral wellbore.

Regarding claim 26: The method further involves the step of inserting the liner through the window.

Regarding claim 21: Cumming et al. discloses a method for expanding a liner extending into a lateral wellbore through a window in casing disposed in a wellbore. The method involves the following steps:

- Providing an expander 22.

- Locating the expander inside the liner.
- Engaging the expander with an inner diameter of the liner.
- Expanding the liner **21** at least across a portion of the liner proximate the window **20** with the expander (Figures 3 and 4).

Cumming et al. discloses all of the limitations of the above claims except for the expander having at least one radially extendable expander member disposed about a body where each member has a retracted and an extended position and each member has a piston surface for moving the member to the extended position with pressurized fluid where the members are biased to permit radially inward movement due to inwardly directed forces from the surfaces surrounding the liner.

Simpson discloses a method for expanding a liner that is similar to that of Cumming et al. Simpson further teaches an expander that includes the following features:

- At least one radially extendable expander member **116** disposed about a body **102** where each member has a retracted and an extended position in which the members are biased to permit radially inward movement due to inwardly directed forces from surfaces surrounding the liner.
- A piston surface **120** located on each of the members so that the members may be moved to the extended position by pressurized fluid (6:61-67).

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the method of Cumming et al. to use the expander of Simpson in order to have been able to control or vary the post-deformation diameter after the start of expansion (1:40-43). Such a system and method would have reduced the difficulty in expanding tubulars in non-vertical or deviated wellbores that arises from the pulling force or pressures required to operate other expanders.

Regarding claim 29: The method further involves expanding a first portion of the liner in the wellbore to a first diameter and shape and a second portion of the wellbore to a second diameter and shape.

Regarding claim 30: The method further involves expanding a first portion of the liner in the lateral wellbore to a first diameter and shape and a second portion of the lateral wellbore to a second diameter and shape.

Regarding claim 38: Cumming et al. discloses a method for expanding a liner extending into a lateral wellbore through a window in casing disposed in a wellbore. The method involves the following steps:

- Locating an expander **22** inside the liner **21**.
- Operating the expander by moving it axially within the liner to expand a length of the liner across the window **20** (Figures 3 and 4).

Cumming et al. discloses all of the limitations of the above claims except for the expander having at least one radially extendable expander member disposed about a body where each member has a retracted and an extended position and each member has a piston surface for moving the member to the extended position with pressurized fluid where the members are biased to permit radially inward movement due to inwardly directed forces from the surfaces surrounding the liner.

Simpson discloses a method for expanding a liner that is similar to that of Cumming et al. Simpson further teaches an expander that includes the following features:

- At least one radially extendable expander member **116** disposed about a body **102** where each member has a retracted and an extended position in which the members are biased to permit radially inward movement due to inwardly directed forces from surfaces surrounding the liner.
- A piston surface **120** located on each of the members so that the members may be moved to the extended position by pressurized fluid (6:61-67).

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the method of Cumming et al. to use the expander of Simpson in order to have been able to control or vary the post-deformation diameter after the start of expansion (1:40-43). Such a system and method would have

reduced the difficulty in expanding tubulars in non-vertical or deviated wellbores that arises from the pulling force or pressures required to operate other expanders.

Allowable Subject Matter

4. Claims 27 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. In view of applicant's amendment, the objection to the specification and the drawings has been withdrawn.

6. Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The remaining references made of record disclose various devices and methods for drilling and completing lateral or branch wellbores.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

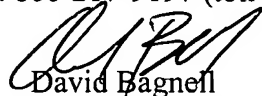
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H Gay whose telephone number is (703) 308-2881. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (703) 308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Bagnell
Supervisory Patent Examiner
Art Unit 3672

JHG 
November 15, 2004